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HOUSE BILL 26-1255

BY REPRESENTATIVE(S) Story, Bacon, Duran, Garcia, Goldstein, Hamrick, Joseph, Lieder, Lindsay, Nguyen, Titone, Willford;  
also SENATOR(S) Cutter, Benavidez, Danielson, Daugherty, Gonzales J., Jodeh, Kolker, Marchman, Sullivan, Wallace, Coleman.

CONCERNING PROTECTIONS FOR USERS OF ELECTRONIC MEDIA, AND, IN CONNECTION THEREWITH, REQUIRING AN OPERATOR OF A SOCIAL MEDIA PLATFORM TO ENSURE THE SOCIAL MEDIA PLATFORM PROVIDES A STREAMLINED PROCESS TO ALLOW A LAW ENFORCEMENT AGENCY TO CONTACT THE SOCIAL MEDIA PLATFORM CONCERNING A SEARCH WARRANT AND REQUIRING AN OPERATOR TO REPORT TO A LOCAL LAW ENFORCEMENT AGENCY IF THE OPERATOR'S SOCIAL MEDIA PLATFORM TAKES AN ADVERSE ACTION AGAINST A USER OF THE SOCIAL MEDIA PLATFORM.

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, **add** 16-3-314 as follows:

**16-3-314. Search warrants served on social media platforms - process required - definitions.**

*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

(1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "OPERATOR" MEANS A PERSON, BUSINESS, OR OTHER LEGAL ENTITY THAT OPERATES OR PROVIDES A SOCIAL MEDIA PLATFORM.

(b) (I) "SOCIAL MEDIA PLATFORM" MEANS A PUBLIC OR SEMIPUBLIC WEBSITE, ONLINE SERVICE, ONLINE APPLICATION, OR MOBILE APPLICATION THAT:

(A) HAS AT LEAST ONE MILLION DISCRETE MONTHLY USERS;

(B) ALLOWS A USER TO CONSTRUCT A PUBLIC OR SEMIPUBLIC PROFILE FOR THE PURPOSE OF USING THE WEBSITE, SERVICE, OR APPLICATION; AND

(C) ALLOWS A USER TO CREATE OR POST CONTENT THAT IS VIEWABLE BY OTHER USERS, INCLUDING ON MESSAGE BOARDS, IN CHAT ROOMS, OR THROUGH LANDING PAGES OR MAIN FEEDS THAT PRESENT A USER WITH CONTENT GENERATED BY OTHER USERS OR BY ARTIFICIAL INTELLIGENCE. A WEBSITE, ONLINE SERVICE, ONLINE APPLICATION, OR MOBILE APPLICATION SHALL NOT BE DEEMED TO SATISFY THE CRITERION DESCRIBED IN THIS SUBSECTION (1)(b)(I)(C) SOLELY BECAUSE THE WEBSITE, ONLINE SERVICE, ONLINE APPLICATION, OR MOBILE APPLICATION PROVIDES THE ABILITY TO POST AND VIEW COMMENTS FOR THE PURPOSE OF RATING OR REVIEWING PRODUCTS OR SERVICES OR, IN THE CASE OF A WEBSITE, ONLINE SERVICE, ONLINE APPLICATION, OR MOBILE APPLICATION THAT PREDOMINANTLY OR EXCLUSIVELY PROVIDES NEWS, SPORTS, ENTERTAINMENT, OR E-COMMERCE CONTENT THAT IS PRESELECTED BY THE PROVIDER AND NOT USER-GENERATED, SOLELY BECAUSE THE WEBSITE, ONLINE SERVICE, ONLINE APPLICATION, OR MOBILE APPLICATION HAS CHAT, COMMENT, OR INTERACTIVE FUNCTIONALITY THAT IS DIRECTLY RELATED TO, OR DEPENDENT UPON, THE PROVISION OF THAT CONTENT.

(II) "SOCIAL MEDIA PLATFORM" INCLUDES FEATURES OR SERVICES OF A SOCIAL MEDIA PLATFORM.

(III) "SOCIAL MEDIA PLATFORM" INCLUDES AN INTERNET-BASED SERVICE OR APPLICATION IN WHICH THE PREDOMINANT OR EXCLUSIVE

FUNCTION IS INTERACTIVE GAMING, VIRTUAL GAMING, OR AN ONLINE SERVICE THAT ALLOWS THE CREATION AND UPLOADING OF CONTENT FOR THE PURPOSE OF INTERACTIVE OR VIRTUAL GAMING, AS DESCRIBED IN SECTION 6-1-1601 (4)(b)(VII).

(IV) "SOCIAL MEDIA PLATFORM" DOES NOT INCLUDE A SERVICE OR APPLICATION THAT:

(A) IS USED TO FACILITATE COMMUNICATION WITHIN A BUSINESS OR ENTERPRISE AMONG EMPLOYEES OR AFFILIATES OF THE BUSINESS OR ENTERPRISE, SO LONG AS ACCESS TO THE SERVICE OR APPLICATION IS RESTRICTED TO EMPLOYEES OR AFFILIATES OF THE BUSINESS OR ENTERPRISE USING THE SERVICE OR APPLICATION;

(B) HAS THE EXCLUSIVE PURPOSES OF OFFERING THE COMMERCIAL SALE OF GOODS AND FACILITATING COMMERCIAL TRANSACTIONS BETWEEN BUYERS AND SELLERS, SO LONG AS THE SERVICE OR APPLICATION IS NOT A FEATURE OR SERVICE OF, OR OTHERWISE ASSOCIATED OR AFFILIATED WITH, A SOCIAL MEDIA PLATFORM; OR

(C) IS A WEBSITE, ONLINE SERVICE, ONLINE APPLICATION, OR MOBILE APPLICATION WHOSE PRIMARY PURPOSE IS PROVIDING HEALTH INFORMATION, HEALTH EDUCATION, OR HEALTH NAVIGATION SERVICES; FACILITATING ACCESS TO REPRODUCTIVE HEALTH CARE, SEXUAL HEALTH SERVICES, OR RELATED PATIENT ADVOCACY OR SUPPORT SERVICES; OR CONNECTING INDIVIDUALS WITH PROVIDERS OF LEGALLY PROTECTED HEALTH-CARE ACTIVITY, AS DEFINED IN SECTION 12-30-121 (1)(d), SO LONG AS THE SERVICE OR APPLICATION IS NOT A FEATURE OR SERVICE OF, OR OTHERWISE ASSOCIATED OR AFFILIATED WITH, A SOCIAL MEDIA PLATFORM THAT DOES NOT PRIMARILY PROVIDE SUCH HEALTH-CARE SERVICES.

(c) "USER" MEANS A USER OF A SOCIAL MEDIA PLATFORM IN COLORADO WHO IS NOT ACTING AS AN OPERATOR, OR AN AGENT OR AFFILIATE OF AN OPERATOR, OF THE SOCIAL MEDIA PLATFORM OR ANY PORTION OF THE SOCIAL MEDIA PLATFORM.

(2) AN OPERATOR SHALL ENSURE THAT ITS SOCIAL MEDIA PLATFORM PROVIDES A STREAMLINED PROCESS TO ALLOW LAW ENFORCEMENT AGENCIES TO CONTACT THE SOCIAL MEDIA PLATFORM. THE PROCESS MUST, AT A MINIMUM:

(a) BE AVAILABLE TO LAW ENFORCEMENT AGENCIES AT ALL TIMES;  
AND

(b) MAKE AVAILABLE AT ALL TIMES A STAFFED HOTLINE FOR LAW ENFORCEMENT OFFICERS FOR THE PURPOSES OF:

(I) RECEIVING AND RESPONDING TO QUESTIONS ABOUT SEARCH WARRANTS;

(II) ACKNOWLEDGING THE RECEIPT OF A SEARCH WARRANT WITHIN EIGHT HOURS AFTER RECEIPT; AND

(III) PROVIDING STATUS UPDATES ON SEARCH WARRANT COMPLIANCE TO A REQUESTING LAW ENFORCEMENT AGENCY.

(3) EXCEPT AS PROVIDED IN SUBSECTION (4) OF THIS SECTION OR ANY OTHER LAW, INCLUDING SECTION 32 OF ARTICLE II OF THE STATE CONSTITUTION; THE "COLORADO PRIVACY ACT", PART 13 OF ARTICLE 1 OF TITLE 6; SECTION 16-3-301 (4); AND THE "REPRODUCTIVE HEALTH EQUITY ACT", PART 4 OF ARTICLE 6 OF TITLE 25, AN OPERATOR SHALL COMPLY WITH A SEARCH WARRANT WITHIN TWENTY-FOUR HOURS AFTER RECEIVING THE SEARCH WARRANT IF ALL OF THE FOLLOWING APPLY:

(a) THE SEARCH WARRANT IS PROVIDED TO THE OPERATOR OR THE OPERATOR'S SOCIAL MEDIA PLATFORM BY A LAW ENFORCEMENT AGENCY;

(b) THE SUBJECT OF THE SEARCH WARRANT IS INFORMATION ASSOCIATED WITH A USER'S ACCOUNT ON A SOCIAL MEDIA PLATFORM OPERATED BY THE OPERATOR; AND

(c) THE INFORMATION IS CONTROLLED BY A USER OR OPERATOR OF THE SOCIAL MEDIA PLATFORM.

(4) A COURT MAY REASONABLY EXTEND THE TIME REQUIRED TO COMPLY WITH A SEARCH WARRANT ISSUED PURSUANT TO SUBSECTION (3) OF THIS SECTION IF THE COURT MAKES A WRITTEN FINDING THAT THE OPERATOR OR SOCIAL MEDIA PLATFORM HAS SHOWN GOOD CAUSE FOR THE EXTENSION AND THAT AN EXTENSION WOULD NOT CAUSE AN ADVERSE RESULT, AS DEFINED IN 18 U.S.C. SEC. 2705 (a)(2).

(5) ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION, IF IT APPEARS TO THE ATTORNEY GENERAL OR A DISTRICT ATTORNEY, UPON COMPLAINT OR OTHERWISE, THAT ANY PERSON WITHIN OR OUTSIDE THE STATE HAS VIOLATED THIS SECTION, THE ATTORNEY GENERAL OR DISTRICT ATTORNEY MAY BRING AN ACTION OR PROCEEDING TO:

(a) ENJOIN THE VIOLATION;

(b) OBTAIN RESTITUTION OF ANY MONEY OR PROPERTY OBTAINED DIRECTLY OR INDIRECTLY AS A RESULT OF THE VIOLATION;

(c) OBTAIN DISGORGEMENT OF ANY PROFITS OR GAINS OBTAINED DIRECTLY OR INDIRECTLY AS A RESULT OF THE VIOLATION;

(d) OBTAIN DAMAGES CAUSED DIRECTLY OR INDIRECTLY BY THE VIOLATION;

(e) OBTAIN CIVIL PENALTIES OF UP TO TWO HUNDRED FIFTY THOUSAND DOLLARS PER VIOLATION; AND

(f) OBTAIN SUCH OTHER RELIEF AS THE COURT MAY DEEM PROPER, INCLUDING PRELIMINARY RELIEF.

**SECTION 2.** In Colorado Revised Statutes, **add** 6-1-1602 as follows:

**6-1-1602. Social media platforms - duty to report adverse actions to local law enforcement agency - definitions - rules.**

(1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) (I) "ADVERSE ACTION" MEANS A RESTRICTION, SUSPENSION, OR TERMINATION OF A USER'S ACCOUNT ON A SOCIAL MEDIA PLATFORM AFTER HUMAN REVIEW, WHICH RESTRICTION, SUSPENSION, OR TERMINATION IS IMPLEMENTED AGAINST A USER IN RESPONSE TO THE USER POSTING CONTENT THAT IS AVAILABLE TO THE GENERAL PUBLIC IN VIOLATION OF THE SOCIAL MEDIA PLATFORM'S POLICIES CONCERNING SPECIFIC OR IMMINENT THREATS.

(II) "ADVERSE ACTION" DOES NOT INCLUDE AN ACTION TAKEN

SOLELY IN RESPONSE TO CONTENT THAT CONSTITUTES, DESCRIBES, FACILITATES, OR DISCUSSES LEGALLY PROTECTED HEALTH-CARE ACTIVITY AS DEFINED IN SECTION 12-30-121 (1)(d), INCLUDING DISCUSSION OF, REFERRAL TO, OR ASSISTANCE WITH OBTAINING REPRODUCTIVE HEALTH-CARE SERVICES THAT ARE LAWFUL UNDER COLORADO LAW.

(b) "LOCAL LAW ENFORCEMENT AGENCY" MEANS EITHER:

(I) THE MUNICIPAL LAW ENFORCEMENT AGENCY OF THE MUNICIPALITY IN WHICH A USER RESIDES; OR

(II) THE COUNTY SHERIFF OF THE COUNTY IN WHICH A USER RESIDES.

(c) "OPERATOR" MEANS A PERSON, BUSINESS, OR OTHER LEGAL ENTITY THAT OPERATES OR PROVIDES A SOCIAL MEDIA PLATFORM.

(d) "SOCIAL MEDIA PLATFORM" HAS THE MEANING SET FORTH IN SECTION 16-3-314 (1)(b).

(e) "USER" MEANS A USER OF A SOCIAL MEDIA PLATFORM IN COLORADO WHO IS NOT ACTING AS AN OPERATOR, OR AN AGENT OR AFFILIATE OF AN OPERATOR, OF THE SOCIAL MEDIA PLATFORM OR ANY PORTION OF THE SOCIAL MEDIA PLATFORM.

(2) (a) NOT LATER THAN TWENTY-FOUR HOURS AFTER A SOCIAL MEDIA PLATFORM TAKES AN ADVERSE ACTION AGAINST A USER, THE OPERATOR OF THE SOCIAL MEDIA PLATFORM SHALL REPORT THE ADVERSE ACTION TO THE LOCAL LAW ENFORCEMENT AGENCY, INCLUDING THE CONTENT IN QUESTION THAT WAS ALLEGEDLY POSTED BY THE USER.

(b) NOTWITHSTANDING SUBSECTION (2)(a) OF THIS SECTION, AN OPERATOR SHALL NOT REPORT AN ADVERSE ACTION TO A LOCAL LAW ENFORCEMENT AGENCY IF THE OPERATOR HAS A GOOD FAITH BELIEF THAT THE CONTENT AT ISSUE CONSTITUTES LEGALLY PROTECTED HEALTH-CARE ACTIVITY AS DEFINED IN SECTION 12-30-121 (1)(d).

(3) A PERSON THAT VIOLATES THIS SECTION COMMITS AN UNFAIR OR DECEPTIVE TRADE PRACTICE, AS DESCRIBED IN SECTION 6-1-105 (1)(vvvv).

(4) THE ATTORNEY GENERAL MAY ADOPT RULES FOR THE PURPOSE

OF CARRYING OUT THIS SECTION.

**SECTION 3.** In Colorado Revised Statutes, 6-1-105, **add** (1)(vvvv) as follows:

**6-1-105. Unfair or deceptive trade practices - definitions.**

(1) A person engages in a deceptive trade practice when, in the course of the person's business, vocation, or occupation, the person:

(vvvv) VIOLATES SECTION 6-1-1602.

**SECTION 4.** In Colorado Revised Statutes, 6-1-1601, **amend** (4)(a)(I) as follows:

**6-1-1601. Social media platform - youth users - definition.**

(4) (a) As used in this section, "social media platform" means an internet-based service, website, or application that:

(I) Has ONE OR more ~~than one hundred thousand~~ active users in Colorado;

**SECTION 5.** In Colorado Revised Statutes, 16-3-313, **amend as added by Senate Bill 26-011** (1)(a)(III), (4) introductory portion, and (7)(e) as follows:

**16-3-313. Search warrants provided to covered platforms - process required - enforcement - severability - definitions.**

(1) As used in this section, unless the context otherwise requires:

(a)(III) "Covered platform" does not include a service or application that:

(A) Is used to facilitate communication within a business or enterprise among employees or affiliates of the business or enterprise, so long as access to the service or application is restricted to employees or affiliates of the business or enterprise using the service or application; ~~or~~

(B) Has the exclusive purposes of offering the commercial sale of goods and facilitating commercial transactions between buyers and sellers, so long as the service or application is not a feature or service of, or otherwise associated or affiliated with, a covered platform; OR

(C) IS A WEBSITE, ONLINE SERVICE, ONLINE APPLICATION, OR MOBILE APPLICATION WHOSE PRIMARY PURPOSE IS PROVIDING HEALTH INFORMATION, HEALTH EDUCATION, OR HEALTH NAVIGATION SERVICES; FACILITATING ACCESS TO REPRODUCTIVE HEALTH CARE, SEXUAL HEALTH SERVICES, OR RELATED PATIENT ADVOCACY OR SUPPORT SERVICES; OR CONNECTING INDIVIDUALS WITH PROVIDERS OF LEGALLY PROTECTED HEALTH-CARE ACTIVITY, AS DEFINED IN SECTION 12-30-121 (1)(d), SO LONG AS THE SERVICE OR APPLICATION IS NOT A FEATURE OR SERVICE OF, OR OTHERWISE ASSOCIATED OR AFFILIATED WITH, A SOCIAL MEDIA PLATFORM THAT DOES NOT PRIMARILY PROVIDE SUCH HEALTH-CARE SERVICES.

(4) Except as provided in subsection (5) of this section, or any other law, including section 32 of article II of the state constitution; the "Colorado Privacy Act", part 13 of article 1 of title 6; section 16-3-301 (4); and the "Reproductive Health Equity Act", part 4 of article 6 of title 25, an operator shall comply with a search warrant within ~~seventy-two~~ TWENTY-FOUR hours after receiving the search warrant if all of the following apply:

(7) On or after the effective date of this section, if it appears to the attorney general or to a district attorney with jurisdiction, upon complaint or otherwise, that a person within or outside the state has violated this section, in addition to seeking any other relief available under this part 3, the attorney general or district attorney may bring an action or proceeding to:

(e) Obtain civil penalties of up to ~~five thousand~~ TWO HUNDRED FIFTY THOUSAND dollars per violation; and

**SECTION 6. Act subject to petition - effective date.** (1) Except as provided in subsection (2) of this section, this act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item,

section, or part will not take effect unless approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) Section 16-3-313, Colorado Revised Statutes, as amended in section 5 of this act, takes effect only if Senate Bill 26-011 becomes law, in which case section 5 of this act takes effect on the applicable effective date of this act or Senate Bill 26-011, whichever is later.

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Julie McCluskie  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

\_\_\_\_\_  
James Rashad Coleman, Sr.  
PRESIDENT OF  
THE SENATE

\_\_\_\_\_  
Vanessa Reilly  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

\_\_\_\_\_  
Esther van Mourik  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_  
(Date and Time)

\_\_\_\_\_  
Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO